

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

December 15, 2011

8:30 A.M. ROLL CALL

Invocation by Mark Johnson

Pledge of Allegiance to the Flag

Ceremonial Presentations:

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three (3) minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three (3) lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one (1) minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of and December 8, 2011

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Authorize acceptance of Office of Emergency Services 2011 Cycle Law Enforcement Specialized Unit, Children Exposed to Domestic Violence (CEDV) specialized response team program funds for the fiscal year 2011-2012 and authorize the Chief of Police to enter into and execute the agreement, required program documents with the California Emergency Management Agency (CALEMA) – Police Department

Action Taken:

1. * Approve the 1st amendment to the Memorandum of Understanding (MOU) with the Marjaree Mason Center, and the County of Fresno for the Children Exposed to Domestic Violence (CEDV) specialized response program

Action Taken:

2. * **RESOLUTION** - 41st amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$75,400 for the Children Exposed to Domestic Violence (CEDV) Program
(Requires 5 affirmative votes)

Action Taken:

- B. Authorize the City of Fresno to enter into a one (1) year agreement with California State University, Fresno for \$342,338.19 to provide police services at California State University, Fresno events - Police Department

Action Taken:

- C. Award a construction contract to R. J. Berry Jr., Inc. in the amount of \$195,241 for the S. Clovis and E. Kings Canyon Road traffic signal modification project **(Property located in District 5)** – Public Works Department

Action Taken:

- D * **RESOLUTION** – 1st amendment to Resolution No. 2007-137 ordering the vacation of a portion of Yale Avenue West of Weber Avenue **(Property located in District 1)** – Public Works Department

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. Approve purchase agreement for acquisition of one parcel for the amount of \$112,000 from seller: Odulia Dee Upton, to construct a new water supply well on 3125 E. Simpson Avenue **(Property located in District 7)** – Department of Public Utilities
Action Taken:
- F. Approve purchase agreement for acquisition of one (1) parcel for the amount of \$55,000 from sellers: Willie Nell Gazaway and Bobby Duane Gazaway as trustees, to construct a new water supply well on 3758 N. Ninth Street **(Property located in District 4)** – Department of Public Utilities
Action Taken:
- G. Approve purchase agreement for acquisition of one (1) parcel for the amount of \$98,000 from sellers: José Luevanos and Sandra Luevanos, to construct a new water supply well on 1234 S. Orange Avenue **(Property located in District 5)** – Department of Public Utilities
Action Taken:
- H. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301(a),(d)/Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines to upgrade the energy management system in the passenger terminal at Fresno Yosemite International Airport **(Property located in District 4)** – Airports Department
Action Taken:
1. Award a contract to Sacramento Cooling Systems, Inc. of Fresno, California, dba L&H Airco, to upgrade the energy management system at Fresno Yosemite International Airport in the amount of \$274,663
Action Taken:
- I. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301(A), Class 1 (Existing Facilities-Electrical Conveyances) of the California Environmental Quality Act Guidelines for perimeter security upgrades at Fresno Yosemite International **(Property located in District 4)** – Airports Department
Action Taken:
1. Award a contract to Collins Electric Company, Inc. of Fresno California for perimeter security upgrades at Fresno Yosemite International Airport in the amount of \$150,359
Action Taken:
- J. * **RESOLUTION** - 43rd amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$10,000 from Kaiser Permanente in the Parks, After School, Recreation and Community Services Department for after school recreational programs at Quigley Park **(Requires 5 affirmative votes)** **(Property located in District 1)** - PARCS
Action Taken:
- K. * **RESOLUTION** - 34th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating a \$7,500 grant from Kaiser Permanente in the Parks, After School, Recreation and Community Services Department for a pilot senior fitness and nutrition program **(Requires 5 affirmative votes)** **(Property located in various districts)** - PARCS
Action Taken:
- L. Approval of an agreement with SER Senior Community Service Employment Program (SCSEP) to provide supplemental staffing at neighborhood parks & centers - PARCS
Action Taken:
- M. Approve a one (1) year agreement with On Ramps Covenant Church (ORCC) for the use and adoption of Dickey Park **(Property located in District 3)** - PARCS
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- N. Authorize the Director of Transportation to negotiate and execute first amendment to agreement with Stantec Consultants, not to exceed \$25,000, for project administration services required for the automated fare collection system project - Transportation Department

Action Taken:

- O. **BILL – (For introduction)** – Adding Chapter 5, Article 6 to the Fresno Municipal Code relating to camping on City properties – City Manager's Office

Action Taken:

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

A. **ITEM REMOVED FROM THE AGENDA**

- B. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301(a),(d)/Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines for the acoustic treatment of 149-homes in the vicinity of Fresno Yosemite International Airport (**Property located in District 4**) – Airports Department

Action Taken:

1. Award a contract in the amount of \$2,646,000 to Tron Construction, Inc. of Fresno, California for the acoustic treatment of 149-homes in the vicinity of Fresno Yosemite International Airport

Action Taken:

- C. Approve recommended list of projects to construct using the 2021 S. Peach Avenue fire insurance proceeds – Public Works Department

1. * **RESOLUTION** – 40th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$1,306,400 of fire insurance proceeds to be used to construct the listed projects (**Property located in Districts 1, 2, 3, 4 & 7**) (**Requires 5 affirmative votes**)

Action Taken:

- D. Approve a consultant services agreement with Alliant Insurance Services, Inc., to provide insurance brokerage services to the City in the amount of \$190,500 for three (3) years – Personnel Services Department

Action Taken:

- E. **HEARING** pertaining to placing a moratorium on the outdoor cultivation of medical marijuana in the City of Fresno – Police Department

1. * **BILL – (For introduction and adoption)** - Interim urgency ordinance placing a moratorium on the outdoor cultivation of medical marijuana in the City of Fresno pursuant to Government Code Section 65858 pending the development of standards and regulations relating to cultivation and dispensing as a new land use standard (**Requires 5 affirmative votes**) – Police Department

Action Taken:

9:30 A.M.#1 **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M.#2 **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

- A. Adopt Findings of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities), Section 15302/Class 2 (Replacement or Reconstruction), and Section 15332/Class 32 (In-Fill Development Projects) of the CEQA Guidelines for the demolition and clearance of 329 N. College Avenue, located in the FWY99-Goldenstate Corridor Redevelopment Area **(Agency action)**

Action Taken:

1. Award a contract in the amount of \$34,960.00 to David Knott Inc. for the demolition and clearance of 329 N. College Avenue, located in the FWY99-Goldenstate Corridor Redevelopment Area **(Agency action)**

Action Taken:

ADJOURN AGENCY

10:00 A.M. **CONTINUED HEARING** regarding reversion of acreage of Final Tract Map 5356, Lots 1 through 9 inclusive **(Property located at W. Ashlan Avenue between N. Polk Avenue and N. Dante Avenue in District 1)** - Public Works Department

Action Taken:

- a. Adopt Finding of Class 5 Categorical Exemption per staff determination, pursuant to Section 15305(c) of the CEQA Guidelines (minor alterations in land use limitations, reversion to acreage)

Action Taken:

- b. **RESOLUTION** – Approving the reversion of acreage of Final Tract Map 5356, lots 1 through 9 inclusive

Action Taken:

CLOSED SESSION

- A. **GOVERNMENT CODE SECTION 54957** – Discussion regarding the City Clerk's position and further Council motion and direction (if required)

Action Taken:

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Government Code Section 54957

Title: City Clerk

Action Taken:

- C. **CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION** – Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** City of Fresno v. Timothy J. Cockrum

Action Taken:

- D. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Gaines, Richard & Jaimy Quesada v. City of Fresno, et al. Superior Court Case No. 06CEG03567

Action Taken:

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec. 22 - **NO MEETING – CHRISTMAS WEEK**
Dec. 29 - **NO MEETING – NEWS YEARS WEEK**

HEARINGS SCHEDULED FOR CALENDAR YEAR 2012:

Jan	5 –	8:30 A.M.	MEETING
Jan	12 –	10:00 A.M.	HEARING re: Plan Amendment A-11-010, R-11-014 and C-11-128, filed by Craig Smith, on behalf of AMCAL Multi-Housing, Inc.
Jan	12 –	10:15 A.M.	HEARING re: CFD No. 11, Annexation No. 44, Tract No. 5997
Jan	19 –	NO MEETING – MARTIN LUTHER KING DAY	
Jan	26 –	8:30 A.M.	MEETING
Feb.	2 -	10:00 A.M.	HEARING re: adoption of a resolution ordering the vacation of portions of "F and "G" Streets northwest of Santa Clara Street and a portion of Santa Clara Street between "F" and "G" Streets